

Senate Study Bill 3104 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED GOVERNOR'S OFFICE
OF DRUG CONTROL POLICY
BILL)

A BILL FOR

1 An Act granting authority to temporarily designate a substance
2 a controlled substance and classifying certain substances
3 as schedule I controlled substances, making penalties
4 applicable, and including effective date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 124.201, subsection 4, Code 2011, is
2 amended to read as follows:

3 4. If any new substance is designated as a controlled
4 substance under federal law and notice of the designation is
5 given to the board, the board shall similarly designate as
6 controlled the new substance under this chapter after the
7 expiration of thirty days from publication in the Federal
8 Register of a final order designating a new substance as a
9 controlled substance, unless within that thirty-day period
10 the board objects to the new designation. In that case the
11 board shall publish the reasons for objection and afford
12 all interested parties an opportunity to be heard. At
13 the conclusion of the hearing the board shall announce its
14 decision. Upon publication of objection to a new substance
15 being designated as a controlled substance under this chapter
16 by the board, control under this chapter is stayed until the
17 board publishes its decision. If any new substance has not
18 been designated a controlled substance under federal law and
19 the board finds that the substance poses an imminent hazard
20 to public safety, the board may designate the substance
21 a controlled substance. If a substance is designated as
22 controlled by the board under this ~~paragraph~~ subsection the
23 control shall be temporary and if within sixty days after
24 the next regular session of the general assembly convenes it
25 has not made the corresponding changes in this chapter, the
26 temporary designation of control of the substance by the board
27 shall be nullified.

28 Sec. 2. Section 124.204, subsection 4, paragraph ai, Code
29 Supplement 2011, is amended by striking the paragraph and
30 inserting in lieu thereof the following:

31 *ai.* (1) Salvia divinorum.

32 (2) Salvinorin A.

33 (3) HU-210. [(6aR,10aR)-9-(hydroxymethyl)-6,6-
34 dimethyl-3-(2-methyloctan-2-yl) 6a,7,10,10a-tetrahydrobenzo[c]
35 chromen-1-ol]].

1 (4) HU-211(dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-
2 dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]
3 chromen-1-ol).

4 (5) Unless specifically exempted or unless listed in
5 another schedule, any material, compound, mixture, or
6 preparation which contains any quantity of cannabimimetic
7 agents, or which contains their salts, isomers, and salts of
8 isomers whenever the existence of such salts, isomers, and
9 salts of isomers is possible within the specific chemical
10 designation.

11 (a) The term "*cannabimimetic agents*" means any substance
12 that is a cannabinoid receptor type 1 (CB1 receptor) agonist as
13 demonstrated by binding studies and functional assays within
14 any of the following structural classes:

15 (i) 2-(3-hydroxycyclohexyl)phenol with substitution at the
16 5-position of the phenolic ring by alkyl or alkenyl, whether or
17 not substituted on the cyclohexyl ring to any extent.

18 (ii) 3-(1-naphthoyl)indole or 3-(1-naphthylmethane)indole
19 by substitution at the nitrogen atom of the indole ring,
20 whether or not further substituted on the indole ring to any
21 extent, whether or not substituted on the naphthoyl or naphthyl
22 ring to any extent.

23 (iii) 3-(1-naphthoyl)pyrrole by substitution at the
24 nitrogen atom of the pyrrole ring, whether or not further
25 substituted in the pyrrole ring to any extent, whether or not
26 substituted on the naphthoyl ring to any extent.

27 (iv) 1-(1-naphthylmethylene)indene by substitution of
28 the 3-position of the indene ring, whether or not further
29 substituted in the indene ring to any extent, whether or not
30 substituted on the naphthyl ring to any extent.

31 (v) 3-phenylacetylindole or 3-benzoylindole by substitution
32 at the nitrogen atom of the indole ring, whether or not further
33 substituted in the indole ring to any extent, whether or not
34 substituted on the phenyl ring to any extent.

35 (b) Such terms include:

- 1 (i) CP 47, 497 and homologues 2-[(1R, 3S)-3-
2 hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol).
- 3 (ii) JWH-018 and AM678 1-Pentyl-3-(1-naphthoyl)indole.
- 4 (iii) JWH-073 1-Butyl-3-(1-naphthoyl)indole.
- 5 (iv) JWH-200 [1-[2-(4-morpholinyl)ethyl]-1H-indol-3-yl]-1-
6 naphthalenyl-methanone.
- 7 (v) JWH-19 1-hexyl-3-(1-naphthoyl)indole.
- 8 (vi) JWH-81 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole.
- 9 (vii) JWH-122 1-pentyl-3-(4-methyl-1-naphthoyl)indole.
- 10 (viii) JWH-250 1-pentyl-3-(2-methoxynaphthoyl)indole.
- 11 (ix) RCS-4 and SR-19 1-pentyl-3-[(4methoxy)-benzoyl]indole.
- 12 (x) RCS-8 and SR-18 1-cyclohexylethyl-3-
13 (-2-methoxyphenylacetyl)indole.
- 14 (xi) AM2201 1-(5-fluoropentyl)-3-(1-naphthoyl)indole.
- 15 (xii) JWH-203 1-pentyl-3-(2-chlorophenylacetyl)indole.
- 16 (xiii) JWH-398 1-pentyl-3-(4-chloro-1-naphthoyl)indole.
- 17 (xiv) AM694 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole.
- 18 (xv) Cannabicyclohexanol or CP-47,497 C8-homolog
19 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol.
- 20 Sec. 3. Section 124.204, subsection 6, Code Supplement
21 2011, is amended by adding the following new paragraph:
- 22 NEW PARAGRAPH. *i.* Any substance, compound, mixture or
23 preparation which contains any quantity of any synthetic
24 cathinone that is not approved as a pharmaceutical, including
25 but not limited to the following:
- 26 (1) Mephedrone, also known as 4-methylmethcathinone, (RS)-2-
27 methylamino-1-(4-methylphenyl) propan-1-one.
- 28 (2) Methylene-dioxypyrovalerone (MDPV) [(1-(1,3-
29 Benzodioxol-5-yl)-2-(1-pyrrolidinyl)-1-pentanone].
- 30 (3) Methyldrone, also known as
31 3,4-methylenedioxymethcathinone.
- 32 (4) Naphthylpyrovalerone (naphyrone).
- 33 (5) 4-fluoromethcathinone (flephe-drone) or a positional
34 isomer of 4-fluoromethcathinone.
- 35 (6) 4-methoxymethcathinone (methedrone; Bk-PMMA).

- 1 (7) Ethcathinone.
- 2 (8) 3,4-methylenedioxyethcathinone(ethylone).
- 3 (9) Beta-keto-N-methyl-3,4-benzodioxypolybutanamine
- 4 (butylone).
- 5 (10) N,N-dimethylcathinone(metamfepramone).
- 6 (11) Alpha-pyrrolidinopropiophenone (alpha-PPP).
- 7 (12) 4-methoxy-alpha-pyrrolidinopropiophenone (MOPPP).
- 8 (13) 3,4-methylenedioxy-alpha-pyrrolidinopropiophenone
- 9 (MDPPP).
- 10 (14) Alpha-pyrrolidinovalerophenone (alpha-PVP).
- 11 (15) 6,7-dihydro-5H-indeno(5,6-d)-1,3-dioxal-6 6-amine)
- 12 (MDAI).
- 13 (16) 3-fluoromethcathinone.
- 14 (17) 4'-Methyl-2-pyrrolidinobutiophenone (MPBP).
- 15 (18) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).
- 16 (19) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).
- 17 (20) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C).
- 18 (21) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I).
- 19 (22) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine
- 20 (2C-T-2).
- 21 (23) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine
- 22 (2C-T-4).
- 23 (24) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H).
- 24 (25) 2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine (2C-N).
- 25 (26) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P).
- 26 Sec. 4. Section 124.401, subsection 1, paragraph d, Code
- 27 Supplement 2011, is amended to read as follows:
- 28 d. Violation of this subsection, with respect to any other
- 29 controlled substances, counterfeit substances, or simulated
- 30 controlled substances classified in section 124.204, subsection
- 31 4, paragraph "ai", section 124.204, subsection 6, paragraph "i",
- 32 or classified in schedule IV or V is an aggravated misdemeanor.
- 33 However, violation of this subsection involving fifty kilograms
- 34 or less of marijuana or involving flunitrazepam is a class "D"
- 35 felony.

1 Sec. 5. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
2 immediate importance, takes effect upon enactment.

3	EXPLANATION
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4 This bill grants authority to temporarily designate a
5 substance a controlled substance and classifies certain
6 substances as schedule I controlled substances, and makes
7 penalties applicable.

8 The bill specifies that if any new substance has not been
9 designated a controlled substance under federal law and the
10 board of pharmacy finds that the substance poses an imminent
11 hazard to public safety, the board may designate the substance
12 a controlled substance. If a substance is designated as
13 controlled by the board pursuant to the bill, the control shall
14 be temporary and if within 60 days after the next regular
15 session of the general assembly convenes the substance has
16 not been classified as a controlled substance, the temporary
17 controlled substance designation by the board is nullified.

18 The bill adds numerous synthetic cannabinoids, also known as
19 "K2", to the list of schedule I controlled substances in Code
20 section 124.204(4)(ai).

21 The bill adds numerous substances containing any quantity of
22 any synthetic cathinone that are not approved pharmaceuticals
23 to the list of schedule I controlled substances in Code section
24 124.204(6).

25 A schedule I controlled substance is considered to have a
26 high potential for abuse and no medical purpose in treatment in
27 the United States.

28 Under the bill, it is an aggravated misdemeanor pursuant
29 to Code section 124.401(1)(d) for any unauthorized person to
30 manufacture, deliver, or possess with the intent to manufacture
31 or deliver a synthetic cannabinoid classified as a schedule I
32 controlled substance in Code section 124.204(4)(ai) including
33 its counterfeit or simulated form, or to act with, enter into
34 a common scheme or design with, or conspire with one or more
35 persons to manufacture, deliver, or possess with the intent to

1 manufacture or deliver such a schedule I controlled substance.

2 It is also an aggravated misdemeanor pursuant to Code
3 section 124.401(1)(d) under the bill for any unauthorized
4 person to manufacture, deliver, or possess with the intent to
5 manufacture or deliver a synthetic cathinone classified as a
6 schedule I controlled substance in Code section 124.204(6)(i)
7 including its counterfeit or simulated form, or to act with,
8 enter into a common scheme or design with, or conspire with one
9 or more persons to manufacture, deliver, or possess with the
10 intent to manufacture or deliver such a schedule I controlled
11 substance.

12 It is also a serious misdemeanor for a first offense
13 violation of Code section 124.401(5) for any unauthorized
14 person to possess a controlled substance classified as a
15 schedule I controlled substance.

16 An aggravated misdemeanor is punishable by confinement for
17 no more than two years and a fine of at least \$625 but not
18 more than \$6,250. A serious misdemeanor is punishable by
19 confinement for no more than one year and a fine of at least
20 \$315 but not more than \$1,875.

21 The bill takes effect upon enactment.